

UNITED STATES DISTRICT COURT

for the
District of Arizona11/15/17
MMA
United States of America)

v.)

Luis Carlos Aguirre,
a.k.a.: Luis Carlos Ichauregui
(A 206 492 325)Defendant)

Case No. 17-562MS


CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of November 14 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Luis Carlos Aguirre, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Laredo, Texas, on or about February 18, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference HereinCEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Sean K. Lokey☒ Continued on the attached sheet.
Complainant's signatureSteven T. Case,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: November 16, 2017
Judge's signatureCity and state: Phoenix, ArizonaMichelle H. Burns,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE


I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On November 14, 2017, Luis Carlos Aguirre was booked into the Maricopa County Jail (MCJ) facility by the Phoenix Police Department on local charges. While in custody at the MCJ, Aguirre was encountered by ICE Officer M. Marquez who determined him to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 15, 2017, Aguirre was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Aguirre was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Luis Carlos Aguirre to be a citizen of Mexico and a previously deported criminal alien. Aguirre was removed from the United States to Mexico at or near Laredo, Texas, on or about February 18, 2015, pursuant to

the reinstatement of an order of removal issued by an immigration official. There is no record of Aguirre in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Aguirre's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Luis Carlos Aguirre was convicted of Improper Use of Another's Passport, a felony offense, on October 8, 2014, in the United States District Court, Western District of Texas. Aguirre was sentenced to ten (10) months' incarceration and three (3) years' supervised release. Aguirre's criminal history was matched to him by electronic fingerprint comparison.
5. On November 15, 2017, Luis Carlos Aguirre was advised of his constitutional rights. Aguirre agreed to provide a statement under oath. Aguirre stated that his true and complete name is Luis Carlos Aguirre, and that he is a citizen of Mexico. Aguirre stated that he illegally entered the United States "2 weeks," through "El Paso." Aguirre stated he had been removed from the United States one time and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about November 14, 2017, Luis Carlos Aguirre, an alien, was found in the United

States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Laredo, Texas, on or about February 18, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 16th day of November, 2017.



Michelle H. Burns,
United States Magistrate Judge